UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

N. DEL RIO bnf VICTOR DEL RIO)
Plaintiffs)
)
v.) Civil Action No.
)

HONORABLE GREG ABBOTT in his offical capacity as GOVERNOR,
HONORABLE DAN PATRICK in his official capacity as LIEUTENANT GOVERNOR,
HONORABLE KEN PAXTON in his offical capacity as ATTORNEY GENERAL,
HONORABLE GLENN HEGAR in his official capacity as COMPTROLLER OF PUBLIC ACCOUNTS,
HONORABLE GEORGE P. BUSH in his official capacity as LAND COMMISSIONER,
HONORABLE SID MILLER in his official capacity as AGRICULTURE COMMISSIONER
HONORABLE CHRISTI CRADDICK in her official capacity as RAILROAD COMMISSIONER,
HONORABLE DAVID PORTER in his official capacity as RAILROAD COMMISSIONER,
HONORABLE RYAN SITTON in his official capacity as RAILROAD COMMISSIONER,
HONORABLE CARLOS H. CASCOS in his official capacity as SECRETARY OF STATE,
HONORABLE MICHAEL L. WILLIAMS in his official capacity as EDUCATION COMMISSIONER
Defendants

EMERGENCY COMPLAINT

01.

Plaintiff, N. DEL RIO, was and still is a resident of Harris County living at 3400 Ocee St, # 2115, Houston, TX 77063.

02.

Plaintiff, VICTOR DEL RIO, was and still is a resident of Harris County living at 2427 Pinpoint Dr, Spring, TX 77373.

03.

Defendant, HONORABLE GREG ABBOT, is the Governor of Texas, an executive branch position, and head of the executive branch of Texas's government and the commander-in-chief of the state's military forces.

04.

Defendant, HONORABLE DAN PATRICK, is the Lieutenant Governor of Texas, an executive branch position, and holds the second-highest executive office in the government of Texas.

05.

Defendant, HONORABL KEN PAXTON, is Attorney General, an executive branch position, and is chief legal and law enforcement officer of the State of Texas.

06.

Defendant, HONORABLE GLENN HEGAR, is Comptroller, an executive branch position, whose duty is to collect substantially all tax revenue owed to the State of Texas.

07

Defendant, HONORABLE GEORGE P. BUSH, is Land Commissioner, an executive branch position, and head of the Texas General Land Office, which manages state-controlled lands and mineral rights properties.

08.

Defendant, HONORABLE SID MILLER, is Agriculture Commissioner, an executive branch position, and head of the Texas Department of Agriculture (TDA), a state agency within the state of Texas, which is responsible for matters pertaining to agriculture, rural community affairs, and related matters.

09.

Defendants, HONORABLE CHRISTI CRADDICK, HONORABLE DAVID PORTER, and HONORABLE RYAN SITTON, are Railroad Commissioners, executive branch positions, which head the Railroad Commission of Texas (RRC; also sometimes called the Texas Railroad Commission, TRC), which is the state agency that regulates the oil and gas industry, gas utilities, pipeline safety, safety in the liquefied petroleum gas (LPG) industry, and surface coal and uranium mining.

10.

Defendant, HONORABLE CARLOS H. CASCOS, is the Secretary of State, an executive branch position, and chief elections officer, the protocol officer for state and international matters, and the liaison for the governor on Mexican and border matters.

11.

Defendant, HONORABLE MICHAEL L. WILLIAMS, is the Commissioner, an executive branch position, and heads the Texas Education Agency (TEA, each letter pronounced separately) is a branch of the state government of Texas in the United States responsible for public education.

12.

JURISDICTION of this COURT is invoked under 28 U.S.C. § 1343, 1361, and 1367.

13.

Only those persons who have the clear duty to perform the action sought need be joined as defendants. Those persons not charged with such a duty need not be joined. {*Bryant v. O'Donnell*, 359 S.W.2d 170 (Tex. Civ. App. - Dallas 1962, no writ)}.

14.

All persons charged with the performance sought to be compelled by the mandamus action should be joined as defendants. A party not joined as a defendant is not bound by any subsequent mandamus order. {*Morton's Estate v. Chapman*, 75 S.W.2d 876 (Tex. 1934)}

15.

The Plaintiffs claim they continue to tolerate state and federal disability discrimination, by THE STATE OF TEXAS, in violation of 29 U.S.C. § 794 and 42 U.S.C. § 12101 et seq., because of possibly irreparable and fatal injuries done to them primarily by TRACEY DEL RIO, DR. GURNEY PEARSALL SR and JR, SPRING ISD, and HOUSTON ISD, since 1998, to fraudulently collect federal funding by denying N. his F.A.P.E., his father, and legal remedy under color of state law, Family Court 311 case no. 2000-27121.

16.

Since 2007, Plaintiffs have been seeking legal remedy by the UNITED STATES, ref previous cases in this court: 4:12-cv-1121 - N. DEL RIO bnf VICTOR DEL RIO vs. THE STATE OF TEXAS & WASHINGTON D.C., as well as other cases against the state.

17.

"If the duty sought to be compelled rests with a board, then all members must be joined, both as officers and individuals." {*Gaal v. Townsend*, 14 S.W. 365 (Tex. 1890)}. A writ against a board must be directed to all board members. {*Culberson County v. Groves Lumber Co.*, 191 S.W. 165 (Tex. Civ. App. - El Paso 1917, no writ)}.

18.

The United States' prominent enforcement role is reflected in the statutory authorization given the Attorney General to commence a legal action when discrimination prohibited by the ADA takes place. 42 U.S.C. § 12133.

19.

PLAINTIFFS requires immediate equitable legal remedy through INTERVENTION OF RIGHT by the UNITED STATES for his son, "adopted" son", adopted feral cats, priceless time together and everything else taken away by the state.

20.

Plaintiff files this same complaint to renew 90 day viability on Order necessary to appeal this case. Previous Order H-51-0951 is date Apr 24, 2015.

21.

Declaration: Pursuant to 28 U.S.C. § 1746(1). I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: Jul 20, 2015

Very respectfully submitted,

X________________________

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